

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY BARBEE,

Plaintiff,

v.

SOUTHEASTERN PENNSYLVANIA,
TRANSPORTATION AUTHORITY

Defendants.

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CIVIL ACTION

No. 04-5541

ORDER

AND NOW, this 12th day of October, 2005, after a telephone conference with the parties, it is **ORDERED** that a deposition shall be taken of Plaintiff Anthony Barbee at 10:00 a.m., on Friday, October 21, 2005, at counsel for Defendant Mr. Andrew J. DeFalco's office, located at: Stradley Ronon Stevens & Young, LLP, 2600 One Commerce Square, Philadelphia, PA 19103. Within five (5) days of the Barbee deposition, Mr. DeFalco will advise the Court by letter of any additional discovery he needs. Counsel for Defendant shall submit an affidavit as to additional attorney's fees incurred as result of Plaintiff Counsel's failure to respond to prior discovery requests.

BY THE COURT:

/s/ Robert F. Kelly

Robert F. Kelly,

Sr. J.